IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5794 OF 2006

Shri Navnath Sukhdeo Mane ..Petitioner

Vs.

The Collector, Solapur & Ors. ..Respondents

Mr.S.M.Sabrad for the petitioner

Mr.H.A.Solkar, A.G.P. for the respondents

CORAM : A.P.DESHPANDE, J

DATED : 9TH NOVEMBER, 2006

P.C.:

1. Heard.

2. The learned A.G.P. for the respondents points out that the present writ petition has become infructuous in view of the holding of the auction on 26.9.2006. It appears from the order under challenge dt.23.8.2006 that the petitioner had filed application seeking orders against the respondents with a view to have suspension / stay of the auction. It is contended by the respondents that what was really prayed for was an order of

temporary injunction and on rejection of the said application by the impugned order, the remedy by way of Miscellaneous appeal was available to the petitioner under Order 43 Rule 1 (r) of the Civil Procedure Code and thus, in his submission, the present writ petition is not maintainable. The submissions of the respondents are well merited. In view of holding of the auction, I dismiss the writ petition as infructuous.

(SHRI A.P.DESHPANDE, J)